

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:23-cv-00328-MR**

**SHARON MADDEN,**

**Plaintiff,**

**vs.**

**MARTIN O'MALLEY,  
Commissioner of Social Security,**

**Defendant.**

---

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**ORDER**

**THIS MATTER** is before the Court on Plaintiff's Consent Motion for Attorney Fees under EAJA [Doc. 11].

Plaintiff seeks an award of attorney's fees in the amount of \$10,000.00 in full satisfaction of any and all claims by Plaintiff in this case pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 (the "EAJA"). [Doc. 11]. The Commissioner consents to such an award. [Id.]. In light of the Court's prior remand of this matter, and in the absence of any contention by the Commissioner that his position was substantially justified or that special circumstances exist that would render an award of attorney's fees unjust, the Court concludes that Plaintiff is entitled to an award of attorney's fees and expenses under the EAJA.

Plaintiff requests that her EAJA award be paid directly to her counsel as her assignee. In support of this request, Plaintiff has submitted a fee agreement pursuant to which she has agreed to assign any EAJA fee award in favor of her counsel. [Doc. 11-2]. The Court finds that the Commissioner should accept this assignment of the awarded fees by Plaintiff to her counsel and upon receipt of such assignment, the Commissioner will pay that award of fees directly to Plaintiff's counsel, provided that it is shown that Plaintiff does not owe any debt to the United States Government which is subject to offset. See Astrue v. Ratliff, 560 U.S. 286 (2010).

**IT IS, THEREFORE, ORDERED** that:


- (1) Plaintiff's Consent Motion [Doc. 11] is hereby **GRANTED**, and Plaintiff is hereby awarded attorney's fees and expenses in the amount of Ten Thousand Dollars (\$10,000.00), which sum is in full satisfaction of any and all claims by Plaintiff in this case pursuant to 28 U.S.C. § 2412(d);
- (2) Within thirty (30) days of the entry of this Order, or some other time as determined by the Court upon good cause shown, the Commissioner shall inform Plaintiff's counsel whether Plaintiff owes a debt to the Government by which this fee award may be offset. Before any funds are disbursed to counsel, Plaintiff's

counsel shall provide a valid fee assignment to the Commissioner;

- (3) In the event that past-due benefits are awarded on remand, Plaintiff shall have sixty (60) days after being served with notice of the past-due benefits award to file for an award of fees pursuant to the Social Security Act, 42 U.S.C. § 406(b); and
- (4) No additional Petition pursuant to 28 U.S.C. § 2412(d) may be filed.

**IT IS SO ORDERED.**

Signed: April 17, 2024

  
\_\_\_\_\_  
Martin Reidinger  
Chief United States District Judge

